

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	HAHN-CARLSON	Examiner:	Backer, F.
Serial No.:	09/527,717	Group Art Unit:	3621
Filed:	March 17, 2000	Docket No.:	USBA.004PA
Title:	VALIDATION APPROACH FOR AUDITING A VENDOR-BASED TRANSACTION		

REPLY BRIEF

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Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No. 40581

Dear Sir:

This Reply Brief is submitted pursuant to 37 C.F.R. § 41.41(a)(1) for the above-referenced patent application. On January 10, 2008 the Examiner issued an Examiner's Answer to Appellant's Appeal Brief submitted on October 15, 2007, in support of the Notice of Appeal filed on July 16, 2007 (with an extension of time), and in response to the final rejections of claims 13 and 16-26 as set forth in the final Office Action dated March 15, 2007, and further in response to the Advisory Action dated June 5, 2007.

No fee should be required for the timely filing of this Reply Brief. However, if deemed necessary, authorization is given to charge/credit Deposit Account No. 50-0996 (USBA.004PA) for all required fees/overages.

Status of Claims

Claims 1-12 stand canceled. Claims 14-15 stand withdrawn following a restriction requirement dated May 22, 2006. Claims 13 and 16-26 stand rejected and are presented for appeal. Claim 27 was not listed in any rejection in the Final Office Action, nor was it listed as rejected or allowed in the Advisory Action; while Applicant believes claim 27 to be allowable, claim 27 has been addressed under the Argument section in an abundance of caution. The pending claims under appeal, as well as claim 27, are listed in the attached Claims Appendix.

Grounds of Rejection

- A. Claims 13 and 16-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Henn (U.S. Patent No. 5,770,844).
- B. Claim 27 should be deemed allowable because the Office Actions of record are silent as to this claim and fail to state any rejection thereof.

Appellant's Reply Argument

The Office Actions of record and the Examiner's Answer have completely ignored multiple claim limitations, failing to assert or show any correspondence as required under Section 102(e). That is, the Office Actions of record have provided no rationale in support of the rejection of many claims, and have not shown correspondence to all of the claims on a limitation-by-limitation basis. For instance, in rejecting all of the claims, the Final Office Action recited only claim 13 of the instant invention and followed the recitation with the statement: "*see Summary of the Invention, Col. 2: 40 –Col. 5: 54*)." That is, the substance of the *entire* rejection of all claims is limited to the phrase "*see Summary of the Invention, Col. 2: 40 – Col. 5: 54*)." Correspondence to each limitations recited from claim 13 is not provided, and multiple limitations in the other claims are ignored in their entirety. Despite Appellant's requests for a showing of such correspondence or removal of the rejections, neither the Office Actions of record nor the Examiner's Answer has addressed these issues. Appellant submits that these unsupported rejections are in direct contrast with 35 U.S.C. §102, the M.P.E.P. and relevant law.

Referring to claim 13 and as applicable to other independent claims, other than the above vague citation to Henn's summary, no portion of the Henn or any other reference has been cited as providing direct correspondence to the following claim limitations:

- a) generating transaction information prior to processing by a subvendor,
- b) providing an authorized profile list criterion that includes information about authorized users empowered to authorize payment by a vendor (who provides services to buyers), and
- c) determining whether transaction information satisfies such criterion.

Appellant has reviewed the Henn reference and cannot ascertain the disclosure of these limitations or any teaching or suggestion of the same.

Regarding claims 17-20, the Examiner has not cited any portion of the Henn reference (or any other reference) that describes transaction functions relating to using multiple levels of authorization to determine characteristics of a user's authorization, or describes related transaction performance.

Regarding claims 23-25, the Examiner has not cited any portion of the Henn reference (or any other reference) that describes transaction functions relating to different users empowered to authorize payment for a particular vendor.

Regarding claim 26, the Examiner has not cited any portion of the Henn reference (or any other reference) that describes transaction functions or processes involving different users that empowered to authorize payment for a particular vendor for remote services.

Regarding claim 27, the Examiner has made no mention of this claim, either in a statement of rejection or otherwise, and has made no attempt to provide correspondence to claim 27. In this regard, Appellant believes claim 27 to be allowable, per indication in the Appeal Brief and other responses of record.

As applicable to claims that are discussed above, instead of showing correspondence to the above and/or other claim limitations on a limitation-by-limitation basis, the Examiner has relied upon broad characterizations using general terms such as "transaction," "audit" and "vendor" that are used in a manner that is completely different from the claimed invention. On a broad level, the Henn reference uses a computer chip in a credit card to ensure that the card is valid and that data communicated from the card, when used by a buyer at a merchant's location,

is not fraudulent (*see, e.g.*, column 4:40-5:7). Henn is thus directed to transactions involving direct interaction between buyers and merchants (*i.e.*, at a merchant point-of-sale), and provides no correspondence to the claimed approach involving vendors and sub-vendors, with the vendor providing a service that is processed by a merchant offering provider, and with the vendor also providing payment.

Using claim 13 as an example and as further relevant to claims 16-26, the claimed invention is directed to auditing transactions between a vendor (*e.g.*, who provides services to buyers) and subvendor-controlled merchant-offering providers who carry out services that are provided by a vendor/subvendor combination (*e.g.*, services are provided to third party buyers). The end recipient of the services (or other offerings) is thus not involved in the transaction directly with the merchant-offering provider. As relevant to this discussion of claim 13, the Examiner's apparent misunderstanding of the Henn reference and its lack of relevance to the claimed invention is exemplified in the Examiner's Answer. Specifically, the Examiner's Answer asserts that Henn's merchant is the claimed vendor; this assertion is contradictory because Henn's merchant receives payment from a buyer, where the claimed vendor provides payment (see page 4 of the Examiner's answer, as highlighted in bold). The Examiner's assertion that "both teachings are equal" is clearly wrong because Henn's merchant receives payment (*i.e.*, there is no authorized profile criterion including information about "users empowered to authorize payment by the vendor"). In this regard, Henn's merchant does not correspond to the vendor-based claim limitations as asserted.

In view of the above, the rejections of claims 13 and 16-26 are improper. Any related rejection of claim 27 would also be improper. Appellant therefore requests reversal of the rejections as applied to the appealed claims and allowance of the entire application.

Authority to charge the undersigned's deposit account was provided on the first page of this brief.

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CLAIMS APPENDIX

(S/N 09/527,717)

13. For transaction processing involving transaction information related to services provided from a vendor and one of plurality of subvendors and processed by one of a plurality of subvendor controlled merchant-offering providers, a method for validating a service transaction for auditing comprising:

- generating transaction information prior to processing by subvendor;

- providing an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor; and

- using a computer arrangement, maintaining data relating to the authorized profile list criterion and processing the transaction information by determining whether the transaction information satisfies the authorized profile list criterion, and by using the authorized profile list criterion to generate information for auditing a transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

16. For transaction processing involving transaction information related to services provided by one of a plurality of vendors and processed by one of a plurality of merchant-offering providers, a transaction validation system for auditing comprising:

- a central processor arrangement programmed and configured:

- to maintain data relating to an authorized profile list criterion and to business rules, the business rules defined according to the authorized profile list criterion; and

- to process a business transaction submitted by an authorized user, the business transaction processed by using the authorized profile list criterion to determine that the user is authorized to perform the business transaction and by applying the business rules to perform the business transaction.

17. A transaction validation system for auditing, according to claim 16, wherein the authorized profile list criterion includes multiple levels of authorization.

18. A transaction validation system for auditing, according to claim 17, wherein at least two of the multiple levels of authorization respectively correspond to two different payment-authorization levels.
19. A transaction validation system for auditing, according to claim 17, wherein the central processor arrangement is further programmed and configured to provide correspondence between at least one of the levels of authorization to the requested transaction.
20. A transaction validation system for auditing according to claim 16, wherein the transaction is completed after correspondence is provided between at least one of the levels of authorization and the requested transaction.
21. A transaction validation system for auditing according to claim 16, wherein the authorized profile list criterion includes a plurality of attributes associated with the authorized user submitting the business transaction.
22. A transaction validation system for auditing according to claim 16, wherein the authorized profile list criterion includes a plurality of attributes associated with the authorized user submitting the business transaction.
23. For transaction processing involving transaction information related to services provided by one of a plurality of vendors and processed by one of a plurality of merchant-offering providers, a processor arrangement programmed and configured to:
 - maintain data relating to an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor;
 - determine whether the processed transaction information satisfies the authorized profile list criterion; and
 - use the authorized profile list criterion to generate information for auditing the processed transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

24. The processor arrangement of claim 23, further programmed and configured to use the authorized profile list criterion to generate information for auditing in response to the processor determining that the processed transaction information satisfies the authorized profile list criterion.

25. The processor arrangement of claim 24, further programmed and configured to effect payment for a transaction in response to the generated information.

26. For transaction processing involving transaction information related to remote services provided by one of a plurality of vendors and remotely processed by one of a plurality of merchant-offering providers, a local processor arrangement programmed and configured to:

- maintain data relating to an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor;
- determine whether the remotely processed transaction information satisfies the authorized profile list criterion; and
- use the authorized profile list criterion to generate information for auditing the remotely processed transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

27. The local processor arrangement of claim 25, further programmed and configured to generate information for auditing transactions occurring entirely separate from the local processor arrangement.

APPENDIX OF EVIDENCE

Appellant is unaware of any evidence submitted in this application pursuant to 37 C.F.R. §§ 1.130, 1.131, and 1.132.

APPENDIX OF RELATED PROCEEDINGS

As stated in Section II above, Appellant is unaware of any related appeals, interferences or judicial proceedings.